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4 RIGOBERTO JOSE MORENO,
5 Plaintiff,
6 v.
7 OFFICER PENA, et al.,
8 Defendants.

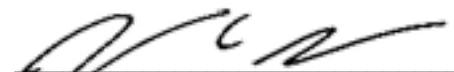
9 Case No. 21-cv-00683-JCS
10 *Also Filed in Case No. 20-cv-02082-WHO*
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**SUA SPONTE REFERRAL TO
DETERMINE WHETHER CASES ARE
RELATED**

12 As stated in a separate report and recommendation, the undersigned has concluded that
13 Plaintiff Rigoberto Jose Moreno's claims in *Moreno v. Pena*, No. 21-cv-00683-JCS (N.D. Cal.),
14 are barred by the judgment entered in *Moreno v. Brettckelly*, No. 20-cv-02082-WHO (N.D. Cal.)
15 and therefore warrant dismissal under 28 U.S.C. 1915(e)(2)(B). This case, *Moreno v. Pena*, is
16 therefore referred sua sponte to the Honorable William Orrick under Civil Local Rule 3-12(c) to
17 determine whether it is related to *Moreno v. Brettckelly*.

18 If Judge Orrick determines that the cases are related, *Moreno v. Pena* will be reassigned to
19 him for all purposes (including action on the recommendation for dismissal). If Judge Orrick
20 determines that the cases are not related, *Moreno v. Pena* will be reassigned to a randomly selected
21 district judge for all purposes (including action on the recommendation for dismissal) because not
22 all parties have consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c).
23 Moreno may file a statement supporting or opposing finding the cases related no later than May
24 14, 2021. *See* Civ. L.R. 3-12(c), 3-12(e), 7-11(b).

25 **IT IS SO ORDERED.**

26 Dated: May 10, 2021

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28 JOSEPH C. SPERO
Chief Magistrate Judge